

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-11670

James J. Carroll, III, et al

v.

James J. Carroll, Jr., et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

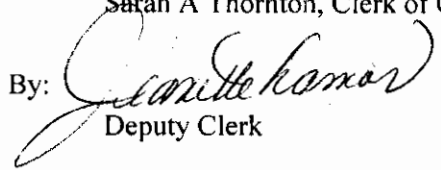
1-21 document #20 James Carroll, Jr, et al

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 9/27/06.

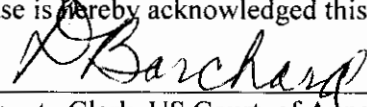
In testimony whereof, I hereunto set my hand and affix the seal of this Court on November 2, 2006.

Sarah A Thornton, Clerk of Court

By:


Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 11/7/06


Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-11670-GAO**

Carroll, et al v. Carroll et al
Assigned to: Judge George A. O'Toole, Jr
Cause: 18:1961 Racketeering (RICO) Act

Date Filed: 08/05/2005
Jury Demand: None
Nature of Suit: 470 Racketeer/Corrupt
Organization
Jurisdiction: Federal Question

Plaintiff

Josephine M. Carroll

represented by **Josephine M. Carroll**
P.O. Box 1041
Windham, NH 03087
PRO SE

Plaintiff

James J. Carroll, III

represented by **James J. Carroll, III**
P.O. Box 1041
Windham, NH 03087
PRO SE

V.

Defendant

James J. Carroll, Jr.
*individually and in his official capacity
and in joint venture*

Defendant

Joanne Carroll Deyoung
indivudally and in joint venture

Defendant

Ricahrd Blair Carroll
indivually and in joint venture

Defendant

Eileen Carroll
individually and in joint venture

Defendant

**The Law Firm of Constantino and
Mason, LLC**
individually and in joint venture

Defendant

Robert A. Constantino

*individually and in his official capacity
and in joint venture*

Defendant

Sophia Constantino

*individually and in her official capacity
and in joint venture*

Defendant

**Law Firm of Murtha Cullina Roche
and Digiacomio, LLC**

*individually and in their official
capacity and in joint venture*

Defendant

John W. Gahan, III

*individually and in his official capacity
and in joint venture*

Defendant

Kathy Gahan

individually and in joint venture

Defendant

Thomas Vangel

*individually and in his official capacity
and in joint venture*

Defendant

**Town of Arlington Massachusetts The
Board of Selectmen**

*individually and in their official
capacities and in joint venture*

Defendant

Charles Lyons

former Selectman

Defendant

John W. Hurd

Defendant

Kathleen Kiely Diaz

Defendant

Kevin F. Greeley

Defendant

Diane Mahon

Defendant

Annie LaCourt

Defendant

Robert Murray
Former Selectman

Defendant

Brian F. Sullivan
*Town Manager, individually and his
official capacity and in joint venture*

Defendant

John Maher
*Town Counsel, in his official capacity
and in joint venture*

Defendant

Arlington Police Department

Defendant

Frederick Ryan
*Police Chief, individually and in his
official capacity and in joint venture*

Defendant

David Macnamee
*individually and in his official capacity
and in joint venture*

Defendant

John Doe Greeley
*individually and in his official capacity
and in joint venture*

Defendant

John Doe Hughes
*individually and in his official capacity
and in joint venture*

Defendant

John Doe Flynn
*individually and in his official capacity
and in joint venture*

Defendant

John Doe 1

*individually and in his official capacity
and in joint venture*

Defendant**John Doe 2**

*individually and in his official capacity
and in joint venture*

Defendant**John Doe 3**

*individually and in his official capacity
and in joint venture*

Defendant**Jane Doe Bassett**

*individually and in her official capacity
and in joint venture*

Defendant**Arlington Fire Rescue Officer****Defendant****John Doe 4**

*individually and in his official capacity
and in joint venture*

Defendant**James Granitzas**

*individually and his official capacity
and in joint venture
doing business as
We Haul Legal Movers*

Defendant**Richard Boyle**

*Arlington Constable individually and in
his official capacity and in joint venture*

Defendant**Jerrold Loomis**

*Weymouth Constable-Individually and
in his official capacity and in joint
venture
doing business as
Allstate Constables, Inc.*

Defendant**David Lanata**

*individually and his official capacity
and in joint venture
doing business as
Lanata Surveying*

Defendant

Commonwelath of Massachusetts
Office of the Attorney General

Defendant

Thomas Reilly
individually and in his official capacity

Defendant

James DiPaulo
*Office of the Middlesex Sheriff,
individually and in his official capacity*

Defendant

Steven Donnelly
*Deputy Sheriff individually and in his
official capacity and in joint venture*

Defendant

Sheriff Michael Faye
*individually and in his official capacity
and in joint venture*

Defendant

Gerrald Breen
*individually and in his official capacity
and in joint venture*

Defendant

Jane Doe
*Deputy Sheriff individually and in her
official capacity and in joint venture*

Defendant

Denise DeYoung
*Deputy Sheriff, individually and in her
official capacity*

Defendant

Everett Murray
*individually and in his official capacity
and in joint venture
doing business as
Triple M Movers*

Defendant

John Doe Number 1
Unnamed Locksmith

Defendant

Joh Doe Number Two through Six
*Unnamed Movers, individually and in
their official capacities and joint
venture*

Defendant

Charlene Philbrick
*individually and in her official capacity
and in joint venture*

Defendant

Brendan Callahan
*individually and in his official capacity
and in joint venture*

Defendant

East Cambridge Savings Bank

Defendant

Kevin Mulvey
Attorney

Defendant

Frank Carolan
Attorney

Defendant

Louis Silva
Lowell Public School Science Teacher

Defendant

Eileen Earle
*Robinson School Middle English
Teacher*

Defendant

Michael Crowley
Assistant Principal

Defendant

Richard Darosa
Principal

Defendant

Christine DeRosa

Defendant

Steven DeRosa

Defendant

Armand Mercier

Lowell City Mayor

Defendant

David Fenton

Lowell City Attorney

Defendant

Daniel Wojcik

Lowell City Attorney

Defendant

Police Officer Jose

Defendant

Chico

Defendant

Relative of Wendy Alicea

Defendant

Larry Hickman

Defendant

Marie Bitoni

Defendant

Beth Bitoni

Defendant

Northeastern University

Defendant

MIT

Defendant

Harvard University

Defendant

Marist College

Defendant

City of Lawrence

Defendant

James Scully
*Lawrence School Department
Superintendent*

Defendant

Bill Carey
Lawrence High School Principal

Defendant

Charles Walker
MCAD Commissioner

Defendant

**United Teachers Of Lowell, Local
495, AFT, AFL-CIO**

Defendant

Paul Georges
UTL President

Defendant

Jack O'Brien
UTL Representative

Defendant

**Massachusetts Federation of
Teachers, AFT, AFL-CIO**

Defendant

MFT Chief Counsel

Defendant

Jose Henriques
Landlord

Defendant

Ramona Marquez

Defendant

Carmen Baez

Defendant

Somphas Sim

Defendant

Cuquin Baez

Defendant

Israel Cortez

Defendant

Melissa Alicea

Defendant

Jose Alicea

Defendant

Rosa Bracetti

also known as

Rosa Lopez

Defendant

Oscar Lopez

Defendant

Hector Marquez

Defendant

Elizabeth Czarnionka

Defendant

Others to be added soon

Date Filed	#	Docket Text
08/05/2005	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Josephine M. Carroll.(Jenness, Susan) (Entered: 08/15/2005)
08/05/2005	<u>2</u>	COMPLAINT against all defendants Filing fee: \$ 0.00, receipt number 0.00, filed by James J. Carroll, III, Josephine M. Carroll. (Attachments: # <u>1</u> Civil Cover Sheet)(Jenness, Susan) (Entered: 08/15/2005)
08/05/2005	<u>3</u>	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Dein. (Jenness, Susan) (Entered: 08/15/2005)
09/01/2005	<u>3</u>	Judge George A. O'Toole Jr.: MEMORANDUM AND ORDER entered: Plaintiff Josephine M. Carroll's Application to Proceed Without Prepayment of Fees is allowed; Plaintiff James J. Carroll III shall file, within thirty-five (35) days of the date of this Memorandum and Order, a completed Application to Proceed Without Prepayment of Fees; failing which, he shall be dismissed as a Plaintiff in this action. The clerk shall provide Plaintiff James J. Carroll III with a blank Application form; Summonses shall not issue pending preliminary screening of this action pursuant to 28 U.S.C. section 1915.(PSSA1) (Entered: 09/02/2005)

09/16/2005	<u>4</u>	APPLICATION to Proceed in forma pauperis by James J. Carroll, III. (Edge, Eugenia) (Entered: 09/19/2005)
09/23/2005	<u>5</u>	Judge George A. O'Toole Jr.: FURTHER MEMORANDUM AND ORDER entered re: 4 Motion for Leave to Proceed in forma pauperis: Plaintiff James J. Carroll III's Application to Proceed Without Prepayment of Fees is Denied; Plaintiff James J. Carroll III shall pay the apportioned \$125.00 filing fee within thirty-five (35) days of the date of this Memorandum and Order, failing which, he shall be dismissed as a Plaintiff in this action. Summonses shall not issue pending preliminary screening of this action pursuant to 28 U.S.C. 1915. (PSSA1) (Entered: 09/26/2005)
10/18/2005	<u>6</u>	Filing fee: \$ 125, receipt number 67515 regarding Order dated 9/23/05. See entry #7 for copy of receipt along with supporting documents showing payment was received. (Edge, Eugenia) Modified on 12/29/2005 to modify text (Edge, Eugenia). (Entered: 12/14/2005)
11/29/2005	<u>6</u>	Judge George A. O'Toole Jr.: FURTHER MEMORANDUM AND ORDER entered: To date, Plaintiff James J. Carroll III has failed to pay the \$125.00 filing fee as directed, and has not sought additional time to do so. Accordingly, for failure to pay the filing fee, and failure to comply with the September 23rd Memorandum and Order, it is hereby ORDERED that James J. Carroll III is dismissed without prejudice as a Co-Plaintiff in this action. The clerk is directed to correct the docket accordingly. No summonses shall issue in this action pending preliminary screening pursuant to 28 U.S.C. 1915.(PSSA1) (Entered: 12/02/2005)
12/14/2005	<u>7</u>	Letter and request to be returned to the docket (non-motion) from James J. Carroll, III re: filing fee per order dated 9/23/05. (Edge, Eugenia) (Entered: 12/14/2005)
12/14/2005	<u>8</u>	Document: Ruling in State of New Hampshire case from James Carroll Jr.. (Edge, Eugenia) (Entered: 12/14/2005)
12/19/2005	<u>9</u>	Judge George A. O'Toole Jr.: ORDER VACATING ORDER OF DISMISSAL OF JAMES J. CARROLL III entered: A check with the Accounting Office of the Clerk's Office reveals that James J. Carroll III did make a payment in compliance with the September 23, 2005 Memorandum and Order, although no receipt had been generated for docketing the fact of payment on the Court's CM/ECF electronic filing system. In light of the timely payment by James J. Carroll III of the filing fee, it is hereby ORDERED that the Further Memorandum and Order for dismissal of James J. Carroll III is VACATED. It is FURTHER ORDERED that James J. Carroll III is re-instated as a Co-Plaintiff in this action. The clerk is directed to correct the docket to reflect that James J. Carroll III is a party to this action. No summonses shall issue in this action pending preliminary screening pursuant to 28 U.S.C. 1915.(PSSA, 1) (Entered: 12/20/2005)
12/20/2005	<u>9</u>	Remark: Copy of Memorandum and Order (#9) dated December 19, 2005 sent to James J. Carroll, III, P.O. Box 1041, Windham, NH 03087

		(PSSA, 1) (Entered: 12/20/2005)
04/06/2006	<u>10</u>	Judge George A. O'Toole Jr.: MEMORANDUM AND ORDER entered: Plaintiffs are ordered to show cause as to why this Complaint should not be dismissed within thirty-five (35) days.(PSSA, 1) (Entered: 04/06/2006)
05/12/2006	<u>11</u>	RESPONSE TO ORDER TO SHOW CAUSE by James J. Carroll, III. (Attachments: # <u>1</u> Clarification of Action - pt i# <u>2</u> Clarification of Action - pt ii# <u>3</u> Clarification of Action - pt iii# <u>4</u> Clarification of Action - pt iv) (Edge, Eugenia) (Entered: 05/16/2006)
05/12/2006	<u>12</u>	Exhibit List by James J. Carroll, III.. (Edge, Eugenia) (Entered: 05/16/2006)
07/18/2006	<u>13</u>	Judge George A. O'Toole Jr.: ORDER entered. ORDER DISMISSING CASE with prejudice, and it is hereby Certified that any appeal would not be taken in good faith.(PSSA, 2) (Entered: 07/19/2006)
08/11/2006	<u>14</u>	MOTION for Reconsideration re <u>13</u> Order Dismissing Case, MOTION to Vacate by Josephine M. Carroll, James J. Carroll, III.(Edge, Eugenia) (Entered: 08/14/2006)
08/11/2006	<u>15</u>	MOTION for Hearing re <u>14</u> MOTION for Reconsideration re <u>13</u> Order Dismissing Case MOTION to Vacate by Josephine M. Carroll, James J. Carroll, III.(Edge, Eugenia) (Entered: 08/14/2006)
08/11/2006	<u>16</u>	Request to Preserve Rights of Appeal (non-motion) from James J. Carroll III and Josephine Carroll. (Edge, Eugenia) (Entered: 08/14/2006)
08/11/2006	<u>17</u>	CERTIFICATE OF SERVICE by Josephine M. Carroll, James J. Carroll, III re <u>15</u> MOTION for Hearing re <u>14</u> MOTION for Reconsideration re <u>13</u> Order Dismissing Case MOTION to Vacate, <u>16</u> Letter/request (non-motion), <u>14</u> MOTION for Reconsideration re <u>13</u> Order Dismissing Case MOTION to Vacate. (Edge, Eugenia) (Entered: 08/14/2006)
08/29/2006	<u>18</u>	Judge George A. O'Toole Jr.: Electronic ORDER entered denying <u>14</u> Motion for Reconsideration, denying <u>14</u> Motion to Vacate, denying <u>15</u> Motion for Hearing (Copy of this order mailed out to plaintiffs) (Lyness, Paul) (Entered: 08/29/2006)
09/27/2006	<u>19</u>	NOTICE OF APPEAL as to Order on Motion for Reconsideration, Order on Motion to Vacate, Order on Motion for Hearing, <u>13</u> Order Dismissing Case by Josephine M. Carroll. \$ 0.00 (pending leave in forma pauperis) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerk/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/17/2006. (Attachments: # <u>1</u> attached documents)(Edge, Eugenia) (Entered: 09/29/2006)
09/27/2006	<u>20</u>	MOTION for Leave to Appeal in forma pauperis by Josephine M. Carroll.(Edge, Eugenia) (Entered: 09/29/2006)

09/27/2006	<u>20</u>	NOTICE OF APPEAL as to Order on Motion for Reconsideration, Order on Motion to Vacate, Order on Motion for Hearing, <u>13</u> Order Dismissing Case by James J. Carroll, III. \$ 0.00 (pending leave to appeal in forma pauperis) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 10/17/2006. (Attachments: # <u>1</u> attached documents)(Edge, Eugenia) (Entered: 09/29/2006)
09/27/2006	<u>21</u>	MOTION for Leave to Appeal in forma pauperis by James J. Carroll, III. (Edge, Eugenia) (Entered: 09/29/2006)